

## REMARKS/ARGUMENTS

In the Office Action of October 20, 2008, claims 1-12 are rejected. Applicant hereby requests reconsideration of the application in view of the below-provided remarks.

### Claim Rejections under 35 U.S.C. 102

Claims 1-12 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Baltus (U.S. Pat. No. 6,282,413 B1). Applicant respectfully submits that pending claims 1-12 are not anticipated by Baltus.

#### Independent Claim 1

The independent claim 1 recites in part “*a division factor of the frequency divider and a ratio between the center frequency and the first frequency are determined by the one of at least two frequency bands,*” which is not disclosed in the cited reference of Baltus. Thus, Applicant respectfully asserts that claim 1 is not anticipated by Baltus.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Baltus discloses that a transmitter (4') includes a local oscillator (42), two frequency dividers (40) and (41), and two mixing stages (43) and (44). (See Fig. 8 and column 2, lines 53 and 54). However, Baltus only describes Fig. 8 as showing “a transmitter with a frequency-divider series arrangement coupled to mixing stages.” (See column 2, lines 53 and 54). Baltus does not describe in any detail the elements in Fig. 8, such as the local oscillator (42), the two frequency dividers (40) and (41), and the two mixing stages (43) and (44). Because Baltus does not describe the two frequency dividers (40) and (41) in Fig. 8, Baltus does not disclose the division factors of the two frequency dividers (40) and (41). As a result, Baltus does not disclose that “*a division factor of the frequency divider and a ratio between the center frequency and the first frequency are determined by the one of at least two frequency bands,*” as recited in claim 1.

Therefore, Applicant respectfully asserts that claim 1 is not anticipated by Baltus and in condition for allowance.

#### Dependent Claim 2

Claim 2 depends from and incorporates all of the limitations of the independent claim 1. Applicant respectfully asserts that claim 2 is allowable at least based on an allowable claim 1.

#### Independent Claim 3

Claim 3 includes similar limitations to claim 1. Because of the similarities between claim 1 and claim 3, Applicant respectfully asserts that the remarks provided above with regard to claim 1 apply also to claim 3. Thus, Applicant respectfully asserts that claim 3 is not anticipated by Baltus and in condition for allowance.

#### Independent Claim 4

Claim 4 includes similar limitations to claim 1. Because of the similarities between claim 1 and claim 4, Applicant respectfully asserts that the remarks provided above with regard to claim 1 apply also to claim 4. Thus, Applicant respectfully asserts that claim 4 is not anticipated by Baltus and in condition for allowance.

#### Dependent Claims 5-7

Claims 5-7 depend from and incorporate all of the limitations of the independent claim 4. Thus, Applicant respectfully asserts that claims 5-7 are allowable at least based on an allowable claim 4.

#### Independent Claim 8

Claim 8 includes similar limitations to claim 1. Because of the similarities between claim 1 and claim 8, Applicant respectfully asserts that the remarks provided above with regard to claim 1 apply also to claim 8. Thus, Applicant respectfully asserts that claim 8 is not anticipated by Baltus and in condition for allowance.

#### Dependent Claims 9 and 10

Claims 9 and 10 depend from and incorporate all of the limitations of the independent claim 1. Thus, Applicant respectfully asserts that claims 9 and 10 are allowable at least based on an allowable claim 1.

Additionally, Applicant respectfully asserts that Baltus does not disclose that “the ratio between the center frequency and the first frequency is equal to  $(N+1)/N$ , wherein  $N$  is the division factor” (emphasis added) or that “the ratio between the center frequency and the first frequency is equal to  $(N-1)/N$ , wherein  $N$  is the division factor” (emphasis added), as recited in claims 9 and 10. Accordingly, Applicant respectfully asserts that claims 9 and 10 are not anticipated by Baltus.

In particular, the Office Action states that “Baltus disclosed a receiver wherein the ratio between the center frequency and first frequency is equal to  $(N+1)/N$  or  $(N-1)/N$  (col. 4, lines 34-51).” (See page 5 of the Office Action). Applicant respectfully disagrees. In particular, Baltus discloses two frequency divider means (8-1) and (8-2). (See Fig. 4 and column 4, lines 33-35.) Baltus also discloses two counters (24) and (25). (See Fig. 5 and column 4, lines 38 and 39.) Additionally, Baltus discloses a 3-counter counter means (See Fig. 6 and column 4, lines 42 and 43.) That is, Baltus discloses some configurations of frequency divider means, counters and counter means. However, Baltus does not disclose that “the ratio between the center frequency and the first frequency is equal to  $(N+1)/N$ , wherein  $N$  is the division factor” (emphasis added) or that “the ratio between the center frequency and the first frequency is equal to  $(N-1)/N$ , wherein  $N$  is the division factor” (emphasis added), as recited in claims 9 and 10.

#### Dependent Claims 11 and 12

Claims 11 and 12 depend from and incorporate all of the limitations of the independent claim 8. Thus, Applicant respectfully asserts that claims 11 and 12 are allowable at least based on an allowable claim 8.

Additionally, claims 11 and 12 includes similar limitations to claims 9 and 10, respectively. Because of the similarities between claims 9 and 10 and claims 11 and 12, Applicant respectfully asserts that the remarks provided above with regard to claims 9 and 10 apply also to claims 11 and 12.

### CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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